

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

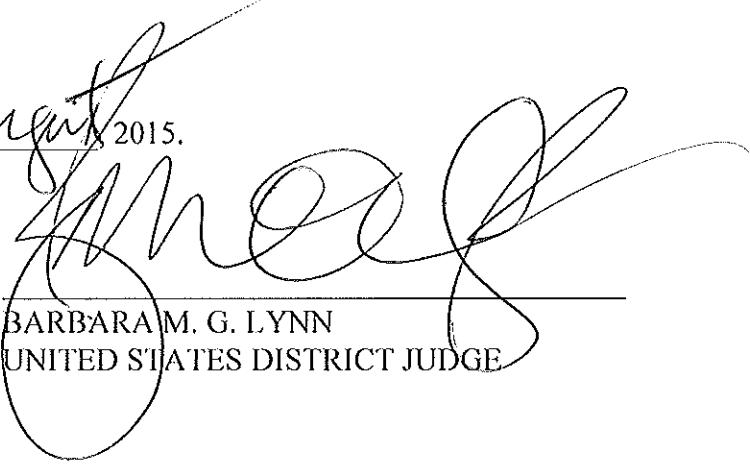
JASON NIEMAN, §
Plaintiff, §
§
v. § No. 3:14-CV-3897-M (BF)
§
CITY OF DALLAS, et al., §
Defendants. §

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions and Recommendation of United States Magistrate Judge Paul D. Stickney [D.E. 113]. The Court reviewed the Findings, Conclusions and Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Defendants E Street Investments, LLC d/b/a Concrete Cowboy, Jonathan Valz, and Rico Taylor's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) [D.E. 77] is GRANTED in part and DENIED in part. Specifically, the Motion to Dismiss is GRANTED with respect to Plaintiff's Texas Alcoholic Beverage Code, Section 109.03 claim, and is DENIED with respect to Plaintiff's premises liability and Texas Dram Shop Act claims.

SO ORDERED this 19 day of April, 2015.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE